

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,

Plaintiff,

v.

ABDULBASET ABDULGADER, et al.,

Defendants.

No. 2:21-cv-02078-DJC-CKD

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Currently pending before the court are defendants' second motion to compel discovery responses from plaintiff (ECF No. 65) and a motion to further modify the court's scheduling order (ECF No. 64). The court will address each motion in turn.

By order dated June 3, 2024, the court granted defendants' motion to compel and required plaintiff to serve his responses to defendants' Interrogatories, Set One, and Request for Production of Documents, Set One, within 30 days. ECF No. 61. In the same order, the court modified the Discovery and Scheduling Order by resetting the discovery deadline to August 1, 2024 and the dispositive motions deadline to November 1, 2024. ECF No. 61 at 4-5.

On July 12, 2024, defendants filed their second motion to compel after plaintiff failed to respond to their interrogatories at all and served them with an unexplained 300 pages of medical records in response to their request discovery requests. ECF No. 65.

1 After the second motion to compel was filed, plaintiff submitted a motion for a 30 day
 2 extension of time along with a notice of his change in address.¹ ECF No. 66. The motion is a
 3 generic request for an extension of time, and it does not indicate whether plaintiff actually intends
 4 to use the additional time to respond to defendants' discovery requests.² ECF No. 66. The
 5 request for an extension, filed in July 2024, indicates that plaintiff does not have access to his
 6 typewriter because it was confiscated by prison officials. ECF No. 66. However, since that time,
 7 plaintiff has filed a typed pleading in a different case pending in this court. See Wolinski v. J.
 8 Lewis, et al., No. 2:17-cv-00583-MCE-AC (E.D. Cal.), at ECF No. 110 (Plaintiff's Motion for
 9 Reconsideration).³ Based on good cause shown, the court will grant plaintiff **one final**
 10 **opportunity** to comply with the court's June 3, 2024 order by serving his responses to
 11 defendants' Interrogatories, Set One, and Request for Production of Documents, Set One, within
 12 21 days from the date of this order. The court will not grant plaintiff any additional extensions of
 13 time to comply with his discovery obligations.

14 In light of this extension of time, the court will deny defendants' second motion to compel
 15 as moot. If plaintiff does not file his responses to both defendants' Interrogatories, Set One, and
 16 their Request for Production of Documents, Set One, within the time provided by this order,
 17 defendants may file a motion for sanctions no later than October 30, 2024.

18 Accordingly, IT IS HEREBY ORDERED that:

19 1. Plaintiff's motion for an extension of time (ECF No. 66) is granted. **No further**
 20 **extensions of time will be granted.**

21 ¹ The certificate of service on the motion for an extension of time indicates that it was submitted
 22 to prison officials for mailing just two days after defendants filed their second motion to compel.
 23 Plaintiff's motion was received and docketed five days later on July 19, 2024. Due to delays in
 24 both sending and receiving mail while in prison, plaintiff most likely had not received his copy of
 25 defendants' second motion to compel by the time he submitted his request for an extension of
 26 time.

27 ² The court notes that this is plaintiff's ninth motion for an extension of time filed in this case.
 28 Despite being granted numerous extensions, he has not filed a single response to any of
 29 defendants' motions. Instead, he is marching to the tune of his own drummer and filing
 30 repetitious motions for miscellaneous forms of relief from the court without actually addressing
 31 the merits of his § 1983 complaint. See ECF Nos. 32, 39, 41, 60, 62-63.

32 ³ A court may take judicial notice of its own court records in other cases. See United States v.
 33 Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

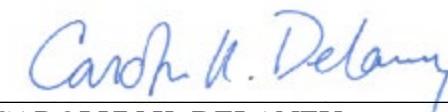
1 **2. Plaintiff shall comply with this court's June 3, 2024 order by serving his responses**
2 **to defendants' Interrogatories, Set One, and Request for Production of Documents, Set One,**
3 **within 21 days from the date of this order.**

4 3. Defendants' second motion to compel (ECF No. 65) is denied as moot in light of the
5 extension of time granted by the court to respond to defendants' discovery requests.

6 4. If plaintiff fails to respond to either or both of defendants' discovery requests within
7 the time provided by this order, defendants may file a motion for sanctions no later than October
8 30, 2024.

9 5. Defendants' motion to modify the scheduling order governing this case (ECF No. 64)
10 is granted. All pending deadlines set by prior orders are hereby vacated and will be reset as
11 necessary by subsequent order of the court.

12 Dated: September 11, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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